



4. Defendant denies the allegations in paragraph 4, but insofar as those allegations pertain to questions of law, Defendant defers all questions of law to the Court for its determination.
5. Defendant denies the allegations in paragraph 5, but insofar as those allegations pertain to questions of law, Defendant defers all questions of law to the Court for its determination.
6. Defendant denies the allegations in paragraph 6, but insofar as those allegations pertain to questions of law, Defendant defers all questions of law to the Court for its determination.

#### **THE PARTIES**

7. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 7.
8. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 1.
9. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 9.
10. Defendant admits the allegations in paragraph 10.

#### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

11. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 11.
12. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 12.

13. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 13.
14. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 14.
15. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 15.
16. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 16.
17. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 17.
18. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 18.
19. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 19.
20. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 20.
21. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 21.
22. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 22.
23. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 23.

24. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 24.

25. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 25.

26. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 26.

27. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 27.

28. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 28.

29. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 29.

#### **DEFENDANT'S ALLEGED UNLAWFUL ACTIVITIES**

30. Defendant admits the allegations in paragraph 30.

31. Defendant denies the allegations in paragraph 31.

32. Defendant denies the allegations in paragraph 32.

33. Defendant denies the allegations in paragraph 33.

34. Defendant denies the allegations in paragraph 34.

35. Defendant denies the allegations in paragraph 35.

36. Defendant denies the allegations in paragraph 36.

37. Defendant denies the allegations in paragraph 37.

38. Defendant denies the allegations in paragraph 38.

39. Defendant denies the allegations in paragraph 39.

40. Defendant denies the allegations in paragraph 40.

41. Defendant denies the allegations in paragraph 41.

**FIRST CLAIM FOR RELIEF: 15 U.S.C. § 1114(1)**

42. Defendant repeats and incorporates herein by reference all the foregoing statements.

43. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 43.

44. Defendant denies the allegations in paragraph 44.

45. Defendant denies the allegations in paragraph 45.

46. Defendant denies the allegations in paragraph 46.

47. Defendant denies the allegations in paragraph 47.

48. Defendant denies the allegations in paragraph 48.

**SECOND CLAIM FOR RELIEF: 15 U.S.C. § 1125(a)**

49. Defendant repeats and incorporates herein by reference all the foregoing statements.

50. Defendant denies knowledge or information sufficient to form a belief as to the allegations set forth paragraph 50.

51. Defendant denies the allegations in paragraph 51.

52. Defendant denies the allegations in paragraph 52.

53. Defendant denies the allegations in paragraph 53.

54. Defendant denies the allegations in paragraph 54.

55. Defendant denies the allegations in paragraph 55.

**THIRD CLAIM FOR RELIEF: 15 U.S.C. § 1125(c)**

56. Defendant repeats and incorporates herein by reference all the foregoing statements.

57. Defendant denies the allegations in paragraph 57.

58. Defendant denies the allegations in paragraph 58.

59. Defendant denies the allegations in paragraph 59.

60. Defendant denies the allegations in paragraph 60.

**FOURTH CLAIM FOR RELIEF: COMMON LAW TRADE DRESS INFRINGEMENT**

61. Defendant repeats and incorporates herein by reference all the foregoing statements.

62. Defendant denies the allegations in paragraph 62.

63. Defendant denies the allegations in paragraph 63.

**FIFTH CLAIM FOR RELIEF: COMMON LAW UNFAIR COMPETITION**

64. Defendant repeats and incorporates herein by reference all the foregoing statements.

65. Defendant denies the allegations in paragraph 65.

66. Defendant denies the allegations in paragraph 66.

**AFFIRMATIVE DEFENSES**

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

Plaintiff fails to state of cause of action upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

Defendant's actions were not the proximate cause of the alleged damages to Plaintiff.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrines of waiver, estoppel and laches.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

Any award made to the Plaintiff must be reduced in such proportion that the alleged injuries were caused, aggravated and contributed to by plaintiffs' failure to mitigate damages.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

This Court lacks personal or subject matter jurisdiction over this action.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

This action is time-barred.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff did not have valid trademark rights in the works in dispute in this action.

**AS AND FOR AN NINTH AFFIRMATIVE DEFENSE**

Defendant did not use or otherwise place in commerce the goods in question.

A Jury Trial is Demanded

**WHEREFORE**, Defendant respectfully requests a judgment in their favor and an Order of the Court that the Plaintiff be directed to pay all of Defendant's costs and attorneys' fees incurred in defense of this action.

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